REMARKS

This application is a divisional application of US Patent Application No. 09/799,317, now issued US Patent No. 6,613,801.

The following remarks are submitted to address the issues raised in the Office Action mailed July 29, 2004.

Claims 3-10, 16-28, 31, and 34-51 have been canceled.

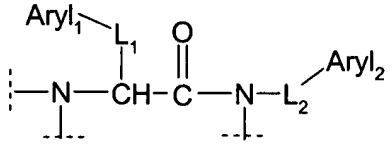
Claims 1-2, 11-15, 29-30, and 32-33 are pending in this application.

Claims 1, 2, 29, and 32 have been amended, and no new matter has been added.

Consideration of the pending claims is respectfully requested in view of the following comments.

ELECTION

In response to the Office Action mailed July 29, 2004, Applicants respectfully elect for further prosecution subject matter drawn to a compound, a pharmaceutical composition comprising a compound, and methods of using a compound, where the compound comprises at least one moiety of the formula



wherein L_1 is a C_1-C_4 alkyl group, L_2 is a direct bond, and each of $Aryl_1$ and $Aryl_2$ are substituted by at least one lipophilic group and at least one of $Aryl_1$ and $Aryl_2$ is substituted with a lipophilic group of the formula -Y-C_{1-6}-alkyl-NR_7R_8.

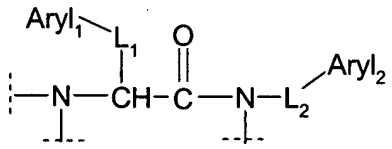
Applicants also elect the species of the compound (R)-3-(4-Benzyloxyphenyl)-2-tert-butoxycarbonylaminopropionic Acid 4-(3-Diethylamino-1-propoxy)-2-(3-

diethylamino-1-propoxy)aniline Amide shown as Example 21 on page 39 of the application.

Applicants traverse the election of subject matter and species on the grounds that searching all of the subject matter would not prove unduly burdensome.

AMENDMENTS

Applicants have elected subject matter drawn to a compound, a pharmaceutical composition comprising the compound, and methods of using a compound, where the compound comprises at least one moiety of the formula



wherein L_1 is a C_1-C_4 alkyl group, L_2 is a direct bond, and each of $Aryl_1$ and $Aryl_2$ are substituted by at least one lipophilic group and at least one of $Aryl_1$ and $Aryl_2$ is substituted with a lipophilic group of the formula -Y-C_{1-6}-alkyl-NR_7R_8.

Compounds in Examples 3-4, 8-9, 13-24, and 26 fall within the scope of the elected group.

Claims 1, 29 and 32 have been amended to be drawn to the elected subject matter, and the specification and original claims support the amendments to the Markush groups in claims 1, 29 and 32.

With regard to the amendment of L_1, the definition of R_3 (i.e., -C_{1-4} alkylaryl) in original claim 4 supports amendment of L_1 to a C_1-C_4 alkyl group. With regard to the amendment of L_2, the definition of R_4 (i.e., -aryl) in original claim 5 supports amendment of L_2 to a direct bond.

With regard to the amendment of the lipophilic group in claim 1, the list of substituents in original claim 8 supports the amended definition of the lipophilic group as substituents to $Aryl_1$ and $Aryl_2$.

With regard to the amendment requiring at least one of $Aryl_1$ and $Aryl_2$ to be substituted with a lipophilic group of the formula -Y-C_{1-6}-alkyl-NR_7R_8, support for this limitation can be found in species described in Examples 3-4, 8-9, 13-24, and 26, where each aryl ring is substituted with a lipophilic group and at least one aryl ring is substituted by at least one lipophilic group of the formula -Y-C_{1-6}-alkyl-NR_7R_8. Further, each of these Examples 3-4, 8-9, 13-24, and 26 fall within the scope of the elected subject matter.

Claim 2 has been amended to clarify that at least one of $Aryl_1$ or $Aryl_2$ is further substituted with a lipophilic group selected from the group consisting of C_1-C_6 alkyl, C_1-C_6 alkoxy, C_1-C_6 alkylaryl, and C_1-C_6 alkoxyaryl, in addition to at least one of $Aryl_1$ and $Aryl_2$ being substituted with a lipophilic group of the formula -Y-C_{1-6}-alkyl-NR_7R_8. Support for this clarification can be found in species described in Examples 3-4, 8-9, 13-24, and 26, where each compound comprises an aryl group substituted by at least one lipophilic group of the formula -Y-C_{1-6}-alkyl-NR_7R_8 and an aryl group substituted by a lipophilic group selected from the group consisting of C_1-C_6 alkyl, C_1-C_6 alkoxy, C_1-C_6 alkylaryl, and C_1-C_6 alkoxyaryl.

FEES

This complete response is being filed within 2 months of the mailing of the Office Action on July 29, 2004. Applicants have included with this Amendment and Response a Petition for Extension of Time for 1-month under 37 C.F.R. § 1.136(a).

CONCLUSION

Favorable consideration and allowance of the application are respectfully requested.

Should the Examiner believe that anything further is necessary to place the application in a condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

Date: Sept 20, 2004

Samuel B. Rollins
Reg. No. 52,180

TransTech Pharma, Inc.
4170 Mendenhall Oaks Pkwy
High Point, NC 27265
Ph: 336-841-0300 ext. 159
Fax: 36-841-0310